

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

DEKOTA JAMES MCCLURE,

Plaintiff,

vs.

YELLOWSTONE COUNTY
ATTORNEY'S OFFICE, ARIELLE
DEAN, JOSEPH ZAVATSKY, and
MANDI GOULD,

Defendants.

CV 24-96-BLG-DWM

ORDER

On July 16, 2024, Plaintiff Dekota James McClure filed a 42 U.S.C. § 1983 Complaint. (Doc. 2.) The Complaint failed to state a claim, but McClure was allowed to attempt to amend. (Doc. 8.) His amendment fails to correct the flaws in his original Complaint. (Doc. 10.) The case is dismissed.

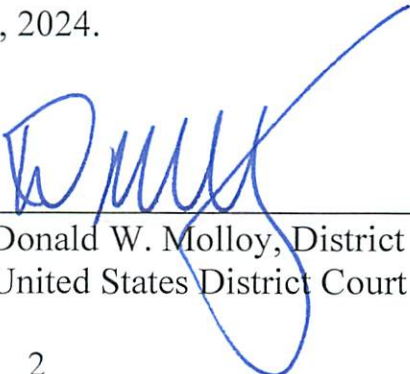
McClure's Complaint dealt with the charges he currently faces in Yellowstone County, Montana, which he considers illegal, and what he deems to be unacceptable legal representation. The Court's prior Order explained to McClure that most of his claims against prosecutors, defense counsel, and judicial staff must be dismissed. (Doc. 8.) In addition, the Court would not intervene in an ongoing state prosecution. Nonetheless, McClure was allowed to amend to elaborate a potential claim related to medical care, if he was able.

McClure filed what is construed as an Amended Complaint. (Doc. 10.) However, he simply reiterates the earlier claims that were explained to be improper, and he fails to allege anything related to medical care. The claims he raises must be raised in the state courts related to his prosecution, or appeal therefrom, and not as a 42 U.S.C. § 1983 claim in this Court.

Accordingly, for the reasons explained in the Court's prior Order, and McClure's failure to remedy the inadequacies of his Complaint, IT IS ORDERED that:

1. McClure's Complaint is DISMISSED. The Clerk of Court is directed to close this matter and enter judgment pursuant to Fed. R. Civ. P. 58.
2. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.
3. The Clerk of Court is directed to have the docket reflect that the dismissal of this Complaint counts as a strike against Ball within the meaning of 28 U.S.C. § 1915.

DATED this 15th day of October, 2024.



Donald W. Molloy, District Judge
United States District Court